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SUBJECT: ARMENIAN COURTS RULE ON ELECTION VIOLATION CASES

REF: YEREVAN 753

Classified By: CDA A.F. Godfrey, reasons 1.4 (b,d)

¶1. (C) SUMMARY: Armenian courts continue to deliver verdicts for election fraud, with a total of six cases, affecting 15 individual defendants, now adjudicated. Verdicts have now been announced in five more cases. Three persons were sentenced to imprisonment for one or two years; one person was fined 300 thousand drams (roughly USD 850); another ten people received suspended sentences; and one case remains pending. Meanwhile, President Kocharian acknowledged to CDA that one majoritarian candidate had stepped down -- requiring a re-run of the race -- to avoid the embarrassment of having fraud exposed. END SUMMARY

¶2. (C) On June 6, Khachik Manukian, the Republican Party candidate for one of 41 single-mandate seats in Armenia's parliament declined to take his mandate from Armenia's Central Elections Commission, forcing a repeat election, to be held on August 26. His district -- which included the impoverished town of Talin near the border with Turkey -- was the site of significant electoral fraud, including the precinct where the entire precinct staff was found guilty of ballot-stuffing (reftel). During a meeting between President Kocharian and MCC CEO John Danilovich June 12, CDA said that it seemed that Manukian was being allowed to step down and re-run his race rather than face inquiry and possible prosecution. Kocharian had a plausible explanation at his fingertips. Since the re-count of the proportional ballots was so contentious, there was simply not enough time to complete a re-count of the single-mandate ballots before the deadline for certifying the majoritarian results. Kocharian claimed that the two leading candidates agreed that whichever candidate was declared the winner would decline to take up his seat in order to force a re-run of the election without an investigation into potential electoral wrongdoing. Kocharian said -- with mocking condescension of Manukian -- that the candidate's "apparently magnanimous gesture concealed the fact that he probably would have lost the election in the re-count."

¶3. (U) On June 6, the first instance court of Kotayk region convicted Aramais Alexanian and sentenced him to one year in prison. Based on the evidence provided, the court ruled that Alexanian orchestrated voter bribing in TEC 25 in favor of majoritarian candidate Mkhitar Harutyunian (Prosperous Armenia). Alexanian was assisted by local resident Bella Melkonian. The claim was brought to the court by another majoritarian candidate, Harutyunian's rival Sasun Mikaelian (Republican Party). The court found that on May 9, 2007 32 residents of Hrazdan city were given 4,000 Armenian drams each on the condition they vote for Harutyunian (PA). Bella Melkonian was sentenced to two years but released on parole.

¶4. (U) In Ararat region the first instance court found Musheg Lalayan guilty of shooting at two supporters of the

PA's majoritarian candidate Tigran Stepanian in the city of Masis (TEC 16) on May 13, 2007. Lalayan is the chief of security services for Masis Tobacco, and the company's director, Samvel Sahakian, was a candidate for the same seat as Stepanian. The court found that Lalayan fired his shots from Sahakian's personal car. On June 11 Lalayan was sentenced to two years in prison

¶ 15. (U) On June 4, 2007 the first instance court of Gegarkunik region convicted Ovkian Meloyan, resident of Vardenis city and a member of precinct commission #23/29, and ruled that Meloyan should pay a fine of 300,000 Armenian Drams (\$857) Meloyan had stolen a list of voters from the precinct; he returned with the list about two hours later and continued his work with the commission. The case was filed by the precinct commission chairman.

¶ 16. (U) The court of first instance of Armevir region sentenced local resident Yegishe Sargsian to two and half years in prison but decided to conditionally release him. Sargsian was found guilty of distributing bribes in Armavir city. The legal adviser to majoritarian candidate Rustam Gasparian (Prosperous Armenia) in TEC 21 reported to the police that Sargsian was caught on the street carrying 14 passports and a list of 45 local residents filled in with passport data.

GODFREY